

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

November 21, 2022
6:30 p.m.

The regular meeting of the Willmar City Council was called to order by Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen. Present 8, Absent 1. Council Member Michael O'Brien was excused from the meeting.

Also present were City Administrator Leslie Valiant, City Operations Director Kyle Box, Police Chief Jim Felt, Park and Recreation Director Rob Baumgarn, Fire Chief Frank Hanson, Public Works Director Gary Manzer, Human Resource Director LuAnn Sietsema, City Clerk Judy Thompson and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Mayor Calvin announced a Special Work Session will be held Tuesday, November 29, 2022 at 7:00 p.m. at the Willmar Municipal Utilities Auditorium to hear an update on city hall and community center sites.

Council Member Fagerlie moved to approve the agenda. Council Member Nelsen seconded the motion, which carried unanimously.

City Clerk Thompson reviewed the consent agenda.

- A. City Council Minutes of November 7, 2022
- B. Willmar Municipal Utilities Board Minutes of November 14, 2022
- C. Convention and Visitor Bureau Minutes of October 18, 2022
- D. City Council Work Session Minutes of November 1, 2022
- E. City Board of Canvass Proceedings of November 16, 2022
- F. Accounts Payable Report for November 3 through November 16, 2022
- G. Civic Center Arena Special Event by On-Sale Liquor License Holder Permit-Minnesota Turkey Growers Association
- H. **Resolution No. 2022-149 Certifying Deferred Special Assessments for Senior Citizens, Disabled, or Active Military**
- I. Building Report October 2022

Council Member Fagerlie offered a motion to approve the consent agenda. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

There was no one present to speak during the Open Forum.

At 6:35 p.m., Mayor Calvin opened the public hearing for an ordinance amending water rates charged by Willmar Municipal Utilities Commission. Willmar Municipal Utilities General Manager John Harren provided the pertinent information to the Mayor and Council.

There being no one present to speak for or against the said amendment, Mayor Calvin closed the public hearing at 6:37 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Fagerlie offered a motion to adopt, assign a number, and publish **Ordinance No. 1493, An Ordinance Amending Water Rates Charged by the Municipal Utilities Commission of the City of Willmar, A Public Utility, to be Effective for Billings Sent On and After January 1, 2023**. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Contracted City Engineer Jared Voge presented a request to receive the improvement report for the 2023 Street Improvements and order the improvement hearing for December 19, 2022 at 6:31 p.m.

Following discussion, Council Member Fagerlie offered a motion to approve staff's recommendation and introduced **Resolution No. 2022-150 Receiving Preliminary Report and Calling Public Hearing on Year 2023 Improvement Projects**. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Calvin asked that the Open House meeting for the 2023 Street Projects which is scheduled for December 12, 2022 be moved to the Recreation/Event Center to accommodate space needs.

Human Resource Director Sietsema presented a request to approve a contract with David Drown & Associates for job classification and scoring.

Following discussion, Council Member Fagerlie introduced **Resolution No. 2022-151 Authorizing Execution of a Contract with David Drown & Associates**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Human Resource Director Sietsema and Park and Recreation Director Baumgarn presented a request to approve the job description for Facilities Coordinator for the Parks and Recreation Department.

A lengthy discussion was held and Council Member Plowman offered a motion to call the question. Council Member Asmus seconded the motion, which failed on a roll call vote of Ayes 3, Noes 4. Council Members Fagerlie, Ask, Davis, and Nelsen voted "no".

Council Member Nelsen asked that the meeting be recessed. Mayor Calvin recessed the meeting at 8:15 p.m.

At 8:19 p.m. Mayor Calvin reconvened the meeting.

Following further discussion, Council Member Plowman offered a motion to approve staff's request. Council Member Asmus seconded the motion, which carried. Council Members Fagerlie and Butterfield voted "no".

City Operations Director Box presented a request to introduce an ordinance regulating the removal of snow, ice, dirt, and rubbish from public sidewalks and private streets and set the public hearing for December 5, 2022.

Following discussion, Council Member Plowman offered a motion to **introduce an Ordinance Regulating the Removal of Snow, Ice, Dirt, and Rubbish from Public Sidewalks and Private Streets**, and set the public hearing for December 5, 2022. Council Member Nelsen seconded the motion, which carried unanimously.

City Operations Director Box presented a request to apply for a safe routes to school boost grant. It was noted the deadline for submitting an application is 5:00 p.m. on November 30, 2022.

Following discussion, Council Member Fagerlie offered a motion to approve staff's request. Council Member Ask seconded the motion, which carried.

Council Member Fagerlie offered the following comments: Happy Thanksgiving to everyone; Celebrate the Light of the World display opens Thursday, November 24th and runs through January 1st.

Mayor Calvin offered the following comments: "Shout Out" to Willmar Fests Board for the recent Holiday parade which was held over the weekend.

Council Member Fagerlie offered a motion to adjourn the meeting, with Council Member Asmus seconding the motion, which carried. The meeting adjourned at 8:37 p.m.

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2022-149

A RESOLUTION CERTIFYING DEFERRED SPECIAL ASSESSMENTS

Motion By: Fagerlie Second By: Nelsen

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2022 (Project 2201); and

WHEREAS, Minnesota Statutes, Sections 435.193 to 435.195 allows local governments certifying special assessments against municipal properties to defer the payment of that assessment for any homestead property owned by a person 65 years of age or older, retired by virtue of a permanent and total disability; and active military

WHEREAS, certain property owner(s) have made application to the City for delayed payment of tax on special assessments and have met the criteria contained in Minnesota Statutes for said deferment.

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred for the years of 2023 through 2038 with interest at the annual rate of five and ten tenths (5.10%) percent.

BE IT FURTHER RESOLVED that the option to defer payments will terminate and all deferred payments and interest become payable if a) the owner dies and the surviving spouse is not eligible; b) the property or a portion of the property is sold, transferred or subdivided; c) the property loses its homestead status; or d) the City determines that to require immediate or partial payment would not create a hardship.

Scott & Luann Schmidt
310 13th Street SW
Willmar

95-006-8380 \$7,930.00
Section 15, Township 119, Range 35, Block 120
FIRST ADDITION TO THE CITY OF WILLMAR
Lot 3 & the South 10 Feet of Lot 2

Dated this 21st day of November, 2022.

Attest:

/s/ Marv Calvin
MAYOR

/s/ Judy Thompson
CITY CLERK

RESOLUTION NO. 2022-150

**RECEIVING PRELIMINARY REPORT AND
CALLING PUBLIC HEARING ON
YEAR 2023 IMPROVEMENT PROJECTS**

Motion By: Fagerlie

Second By: Plowman

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, sidewalk, sanitary sewer, and water main in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said Year 2023 Improvement Projects contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.

4. The Clerk is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 21st day of November, 2022

/s/ Marv Calvin

Mayor

Attest:

/s/ Judy Thompson

City Clerk

**NOTICE OF PUBLIC HEARING ON IMPROVEMENT
CITY OF WILLMAR, MINNESOTA**

Notice is hereby given that the City Council of Willmar will meet in the Board Room of the Health & Human Services Building, 2200 23rd Street NE, at 6:31 p.m. on Monday, December 19th, 2022, to consider the construction of the following improvements, to wit:

The construction includes one or more of the following items: aggregate base, bituminous paving, concrete curb & gutter, sidewalk, edge drain, storm sewer, sanitary sewer, watermain, and service lines.

Reconstruction:

- Gorton Avenue NW – 14th Street to 30th Street
- 18th Street NW – Gorton Avenue to South End of Street
- 20th Street NW – Cul-de-sac
- 13th Street SW – Trott Avenue to Willmar Avenue
- Grace Avenue SW – 11th Street to 15th Street
- Rice Avenue SW – 8th Street to 10th Street
- 8th Street SW – Kandiyohi Avenue to Rice Avenue
- 10th Street SW – Kandiyohi Avenue to Rice Avenue
- Irene Avenue SE – 6th Street to 12th Street
- Augusta Avenue – 5th Street to East End of Street
- Mary Avenue SE – 9th Street to East End of Street

Overlay:

- 21st Street SE – 6th Avenue to 4th Avenue
- 23rd Street SE – Willmar Avenue to Highway 12
- 24th Street SE – Highway 12 to Oxford Drive, 3rd Avenue to 6th Avenue, 7th Avenue to South End of Cul-De-Sac, 8th Avenue to 10th Avenue
- 25th Street SE – 7th Avenue to Highway 12
- Oxford Drive SE – 23rd Street to 25th Street
- 3rd Avenue SE – 23rd Street to 24th Street
- 4th Avenue SE – 21st Street to 25th Street
- 5th Avenue SE – Cul-De-Sac to 25th Street
- 6th Avenue SE – 21st Street to 24th Street
- 7th Avenue SE – 23rd Street to 25th Street
- 8th Avenue SE – Cul-De-Sac to 24th Street
- 9th Avenue SE – Cul-De-Sac to 23rd Street
- 10th Avenue SE – Cul-De-Sac to 24th Street

The total estimated cost of assessable improvements is \$20,123,232.97.

Project costs will be assessed pursuant to Minnesota Statutes, sections 429.011 to 429.111. The area proposed to be assessed for such improvements is every lot, piece or parcel of land within the City of Willmar benefited by said improvements whether abutting thereon or not, based on benefits received and without regard to cash valuation.

A reasonable estimate of the impact of assessments will be available at the hearing. The Council proposes to proceed under the authority granted by Chapter 429 M.S.A.

Such persons desiring to be heard with reference to the proposed improvements will be heard at this meeting. Written or oral objections will be considered.

If you have any questions regarding these improvements, please contact the City Engineer's Office at (320) 235-4202.

Dated this 21st day of November, 2022

BY ORDER OF THE CITY COUNCIL

By: /s/ Judy Thompson
City Clerk

RESOLUTION NO. 2022-151

**RESOLUTION AUTHORIZING EXECUTION OF
A CONTRACT WITH DAVID DROWN & ASSOCIATES.**

Motion By: Fagerlie Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar that the contract with David Drown & Associates for Job Classification and Scoring in the amount not to exceed \$30,000.00 is accepted.

The Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 21st day of November, 2022

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK